REMARKS

The claims have been amended without adding new matter in order to correct minor informalities and to address other issues raised by the Examiner. Claims 1, 5, 6, 8, 11, 13 and 18 have been amended and claims 2 and 4 have been canceled. Therefore, sixteen (16) claims remain pending in the application: Claims 1, 3, and 5-18. Reconsideration of pending claims 1, 3, and 5-18 in view of the amendments above and remarks below is respectfully requested.

By way of this amendment, Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Claim Rejections - 35 U.S.C. §112

1.   Claims 1-5 stand rejected under 35 U.S.C. § 112, second paragraph, as failing to particularly point out and distinctly claim that which Applicant regards as the invention. Claim 1 has been amended to incorporate a second main bus and second hybrid switching module main data channel to provide accurate antecedent basis.

Claims 2 and 4 have been cancelled as claim 1 was amended to include limitation similar to those defined in claims 2 and 4.

Claim 5 was also amended to depend from claim 3 and further to replace "second" hybrid switching module with "third" hybrid switching module as recommended by the Examiner.

Therefore, Applicant believes that amended claims 1 and 5 have proper antecedent basis and are in condition for allowance. Applicant respectfully request the rejections be withdrawn.

<u>Claim Rejections - 35 U.S.C. §102</u>

2.   Claims 6-18 stand rejected under 35 U.S.C. § 102(e), as being anticipated

by U.S. Patent No. 6,643,795 (Sicola et al.). The Sicola patent, however, fails to teach each

element of amended independent claims 6 and 13 or to make these amended claims obvious. In

fact, the Sicola patent specifically teaches away from the apparatuses and systems of at least

independent claims 6 and 13. More specifically, claim 6 for example, has been amended to recite

in part:

> wherein the first switch selectively couples to the first bridge and
> selectively couples to the input/output link data channel, wherein the first hybrid
> switching module processor data channel is thereby selectively coupled to the first
> bridge allowing access over a first main bus to a first peripheral device that implements
> a first function, and selectively coupled to the input/output link data channel allowing
> access over a second main bus to a second peripheral device that implement a second
> function that is not redundant to the first function.

As such, the system of amended claim 6 allows access to non-redundant first and second

functions over first and second main buses, respectively. Support for the amendments is found

throughout the subject application. For example, at about page 7, lines 20-23, the specification

specifically describes that some embodiments do not require "full redundancy of the PCI

peripheral cards in the PCI peripheral slots 108, 120, or the user PCI input/output devices 110,

122." The Sicola patent fails to teach or suggest accessing non-redundant peripheral devices

providing non-redundant functions over two separate buses.

Alternatively, the Sicola patent specifically teaches away from providing access to

non-redundant peripheral devices. The Sicola patent instead is specifically limited to providing

"a completely redundant configuration." (Sicola, col. 3, lines 18-19). The redundant

configuration is achieved with remote data replication through "long distance mirroring."

(Sicola, col. 6, line 20). Therefore, the Sicola patent is specifically directed only to providing the

exact same function to achieve redundant storage of the exact same data. It would go against the

intended purpose of the Sicola patent to provide access to non-redundant functions as this would

prevent the duplication of data.

The apparatuses and systems of amended independent claims 6 and 13 are not obvious over the Sicola patent, and instead the Sicola patent teaches away from the systems and apparatuses as claimed. Thus, amended claims 6 and 13 are in condition for allowance.

Claims 7-12 and 14-18 depend from amended claims 6 and 13, respectively. Therefore, claims 7-12 and 14-18 are also not anticipated or obvious over the Sicola patent for at least the reasons provided above for claims 6 and 13, and are thus also in condition for allowance.

Claim Rejections - 35 U.S.C. §103

3.   Claims 1-5 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 6,643,795 (Sicola et al.) in view of U.S. Patent No. 6,038,630 (Foster et al.). However, claim 1 has been amended to include language similar to that recited in claim 6. More specifically, claim 1 recites in part:

> wherein the first hybrid switching module further comprises a failure mode that couples the first input/output link data channel with the first main bus when the first processor fails allowing the second processor to access the first peripheral device on the first main bus to implement the first function, and the second hybrid switching module further comprises a failure mode that couples the second input/output link data channel with the second main bus when the second processor fails allowing the first processor to access the second peripheral device on the second main bus to implement the second non-redundant function.

Thus, claim 1 allows first and second processors to access non-redundant first and second peripheral devices during failure modes. Again, the application as filed provides support throughout the application for the amendments to claim 1.

The Sicola patent, as described above, specifically teaches away from at least providing access to non-redundant functions, and instead is specifically limited to providing "a completely redundant configuration" through mirroring of data. It would defeat the intended purpose of the Sicola patent to provide access to peripheral devices providing non-redundant functions.

The Foster patent also fails to teach or suggest at least allows first and second processors to access non-redundant first and second peripheral devices during failure modes. The combination of the Sicola and Foster patents fails to teach or make amended claim 1 obvious. Thus, amended claim 1 is in a condition for allowance.

Claims 3 and 5 depend from claim 1. Thus, claims 3 and 5 are also not obvious in view of the Sicola and Foster patents for at least the reasons provided above for claim 1, and are therefore in condition for allowance.

CONCLUSION

Applicant submits that the above amendments and remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Respectfully submitted,

Dated: October 4, 2004

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